

Exhibit BB

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHARLES DEMPSEY, individually, and L.D. by her
father and natural guardian, CHARLES DEMPSEY,

Plaintiffs,

Index No. 19-cv-6780 (EAW)
v.

THE CITY OF ROCHESTER, a municipal entity, JAVIER
ALGARIN, ADAM GORMAN, "JOHN DOE" RPD OFFICER
RESPONSIBLE FOR TRAINING JAVIER ALGARIN,

Defendants.

Remote Deposition Upon Oral Examination of:

Officer Jason Horowitz

Date: February 8, 2023

Time: 10:00 a.m.

Reported By: Jayme C. Wintish

Alliance Court Reporting, Inc.

109 South Union Street, Suite 400

Rochester, New York 14607

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A P P E A R A N C E S

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1 OFFICER JASON HOROWITZ - BY MR. SHIELDS
2 for their certified transcript charge, including any
3 expedite or other related production charges;

4 AND IT IS FURTHER STIPULATED, that the
5 Notary Public, JAYME C. WINTISH, may administer the
6 oath to the witness.

7 * * *

8 THE COURT REPORTER: Will counsel please
9 stipulate to me remotely swearing in the witness
10 located in New York State; that counsel will not
11 object to the admissibility of the transcript based on
12 proceeding in this way; and that the witness has
13 verified that he is, in fact, Officer Jason Horowitz.

14 MS. JONES: Yes.

15 MR. SHIELDS: Yes.

16 OFFICER JASON HOROWITZ,

17 called herein as a witness, first being sworn,
18 testified as follows:

19 EXAMINATION BY MR SHIELDS:

20 Q. Good morning, Officer Horowitz. My name
21 is Elliot Shields. I represent the plaintiffs in this
22 lawsuit, and I'm going to be asking you some questions
23 today.

24 First, I'm just going to go over the
25 ground rules for the deposition.



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1 OFFICER JASON HOROWITZ - BY MR. SHIELDS

2 case, and I have time to look at the policy or
3 procedure or the roll call to get a better idea of --
4 or to refresh my memory.

5 Q. Do you have to like be at a computer to do
6 that?

7 A. Yes. You can't access it through your
8 phone, not to my knowledge. You can be inside your
9 vehicle. You can be at the office.

10 Q. So if you're in your vehicle and you get a
11 call. You say, "I'm going to respond to a call," and
12 then you have a question about RPD policy, you can
13 look that policy up on the computer in your vehicle?

14 A. Depends on the scenario. If it's a hot
15 call, no. You don't have time for it. But if you
16 have time to pull over, open up the website, and click
17 on the policy, you can do that from the vehicle, yes.

18 Q. Okay. Okay. Can you tell me all the
19 training that you've received regarding interactions
20 with dogs?

21 A. We receive training in the academy about
22 dog behaviors and animal control and what duties and
23 responsibilities they have.

24 Q. Okay. Tell me everything you remember
25 about the training.



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1 OFFICER JASON HOROWITZ - BY MR. SHIELDS

2 A. I remember talking about dogs' behaviors
3 and different ways that you can escape from a dog
4 or...

5 Q. Okay. Like what?

6 A. Running away from them. I know they
7 covered what animal control can do as far as -- if the
8 dog is contained, and it's safe, we can have an animal
9 control officer come out to retrieve the dog.

10 Typically, bite reports. If the dog has
11 bitten somebody, animal control has to come out and do
12 the report for that. That's not handled by police
13 officers.

14 And then, you know, obviously, they taught
15 us about aggressive dogs. They can be playful at one
16 moment and be aggressive the next moment. Just things
17 that you always have to be aware of, dog behaviors
18 and -- you know, they can be sporadic and...

19 Q. Okay. Do you remember anything else about
20 dog behavior from the academy?

21 A. No.

22 Q. Do you remember who provided that training
23 or taught that course at the academy?

24 A. Somebody from Rochester Animal Services --
25 I'm sorry. The animal control unit, which is based



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2 out of Rochester Animal Services. One of the officers
3 came out to teach the class -- or employees. I don't
4 remember who specifically though.

5 Q. Okay. You said someone from animal
6 control?

7 A. Yes.

8 Q. And how did that course about animal
9 behavior get taught? By which I mean, did they show
10 videos? Was it a PowerPoint? Something else?

11 A. It was both. It was both. They came out.
12 They did their PowerPoint presentation. They showed a
13 couple of videos of different scenarios with dogs.

14 You don't mind if I take a quick break to
15 use the bathroom?

16 Q. No. That's fine.

17 MR. SHIELDS: Let's do five, ten minutes?
18 What do you guys need?

19 MS. JONES: That's fine.

20 MR. SHIELDS: All right. Let's come back
21 at 12:10. It's 12 o'clock right now.

22 MS. JONES: Sounds good.

23 (The proceeding recessed at 12:01 p.m.)

24 (The proceeding reconvened at 12:15 p.m.;

25 appearances as before noted.)



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